IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.18243 of 2004

Between:

A. Kiran Kumar, S/o. rama Seshaiah,
R/o. Plot No.23, Teachers Colony, Siddardha Nagar, Vijayawada, Krishna District.

..... PETITIONER

AND

1 The Commissioner of Police, Vijayawada, Krishna District.
2 The Station House Officer, Payakapuram Police Station,
Vijayawada Rural, Krishna District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue Writ of Mandamus or any other appropriate writ or direction declaring the action of the respondents in interfering with the lands of the petitioner in R.S.No.88 of Ambapuram village, Vijayawada Taluk limits, Krishna District and calling the petitioner to the 2nd respondent Police Station as illegal, arbitrary and consequently direct the respondents not to interfere with the possession of the land of the petitioner by calling the petitioner and threatening to evict him.

Counsel for the Petitioner: MR.S.V.RAMANA

Counsel for the Respondents: GP FOR HOME

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the 2nd respondent in calling him to the Police Station and also pressurizing him to vacate the land in an extent of Ac.1.00 in R.S.No.88 of Ambapuram village, Vijayawada Taluk on the ground that he is not the title holder and is encroacher of the said land.

When the matter is taken up today, learned counsel for the petitioner, while producing the title deeds of the petitioner relating to the land in question before this Court, submitted and conceded by the learned Government Pleader for Home that the subject matter of the writ petition is squarely covered by the judgment of this Court passed in W.P.No.6238 of 2004, dated 02.04.2004, wherein this Court considered the similar issue and disposed of the same with the following directions.

"In view of the fact that the dispute relates to a land of Acs.3.00 gts allegedly owned by the petitioners, the second respondent has no right to interfere with the same either by calling the petitioners to the Police Station or directing them to vacate the land. Therefore, the second respondent is directed not to interfere with the activities of the petitioners with reference to the land admeasuring Acs.3.00 gts situated in R.S.No.88, Ambapuram Village, Vijayawada Taluk. It is further clarified that the second respondent has no right to call the petitioners to the Police Station, unless they are required for recording any statement in connection with any cases, if registered against them."

In the circumstances, this writ petition is also disposed of in terms of the judgment in W.P.NO.6238 of 2004, dated 02.04.2004. No costs.

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N.V. RAMANA, J.

Date: 26.04.2005

Nsr

..... REGISTRAR

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SECTION OFFICER

To

1 The Commissioner of Police, Vijayawada, Krishna District.
2 The Station House Officer, Payakapuram Police Station,
Vijayawada Rural, Krishna District.

3 Two CCs to GP for Home, High Court Buildings, Hyderabad (OUT)

4 Two CD copies